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Paper:

Response to Notice to Comply with Requirements (in duplicate); copy of Notice; Amendment under 1.825; Statement to Support Filing and Submission in Accordance with 37 CFR §§1.821-1.825; substitute copy of Sequence Listing; diskette containing computer readable copy of Sequence Listing via Express Mail EL001201383US.

Applicant(s):

Van Eyk et al.

Serial No.:

09/419,901

Filed:

October 18, 1999

Docket No.:

PTQ-0028

Date Sent:

December 18, 2001

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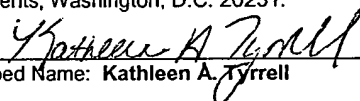
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: PTQ-0028
Inventors: Van Eyk et al.
Serial No.: 09/419,901
Filing Date: October 18, 1999
Examiner: Cook, Lisa
Group Art Unit: 1641
Title: Methods of Diagnosing Muscle Damage

"Express Mail" Label No. EV001201383US
Date of Deposit - December 18, 2001

I hereby certify that this paper is being deposited with
the United States Postal Service "Express Mail Post Office
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indicated above and is addressed to the Assistant Commissioner for
Patents, Washington, D.C. 20231.

By


Typed Name: Kathleen A. Tyrell

Commissioner for Patents
BOX Sequence
United States Patent and Trademark Office
Washington, DC 20231

Sir:

RESPONSE TO NOTICE TO COMPLY

In response to the "Notice to Comply" dated November 28,
2001, a response to which is due December 28, 2001, enclosed
herewith is:

- (XX) Amendment under 1.825;
- (XX) Statement to Support Filing and Submission in
Accordance with 37 CFR §§1.821 through 1.825;
- (XX) Substitute pages of the Sequence Listing;

(XX) Substitute copy of the computer readable form of
Sequence Listing;

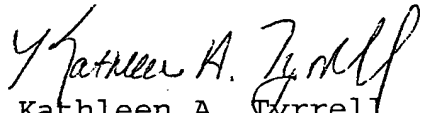
(XX) Copy of Notice to Comply;

() Petition for Three (3) Month Extension of Time;

() Other: _____.

The Commissioner is hereby authorized to charge any
underpayment associated with this communication or credit any
overpayment to Deposit Account No. 50-1619. This sheet is attached
in duplicate.

Respectfully submitted,



Kathleen A. Tyrrell
Registration No. 38,350

Date: December 18, 2001

Licata & Tyrrell P.C.
66 E. Main Street
Marlton, New Jersey 08053

(856) 810-1515

Notice to Comply	Application No.	Applicant(s)	
	09/419,901	Van Eyk <i>et al.</i>	
	Examiner	Art Unit	
	Lisa V. Daniels-Cook	1641	

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: PTQ-0028
Inventors: Van Eyk et al.
Serial No.: 09/419,901
Filing Date: October 18, 1999
Examiner: Cook, Lisa
Group Art Unit: 1641
Title: Methods of Diagnosing Muscle Damage

"Express Mail" Label No. EV001201383US

Date of Deposit - December 18, 2001

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By


Typed Name: Kathleen A. Tyrrell

Commissioner for Patents

BOX Sequence

United States Patent and Trademark Office
Washington, DC 20231

Sir:

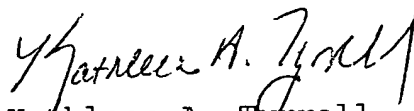
AMENDMENT

In response to the "Notice to Comply" dated November 28, 2001, a response to which is due December 28, 2001, it is requested that the paper copy and CRF copy of the Sequence Listing filed on August 30, 2001 be replaced with the new Sequence Listing provided herewith.

The new Sequence Listing has been amended to conform with the current Sequence Listing Rules.

No new matter has been added.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Kathleen A. Tyrrell', written in a cursive style.

Kathleen A. Tyrrell
Registration No. 38,350

Date: December 18, 2001

LICATA & TYRRELL P.C.
66 E. Main Street
Marlton, New Jersey 08053

(856) 810-1515

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: PTQ-0028
Inventors: Van Eyk et al.
Serial No.: 09/419,901
Filing Date: October 18, 1999
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By Kathleen A. Tyndell
Typed Name: Kathleen A. Tyndell

Commissioner for Patents
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Washington, DC 20231

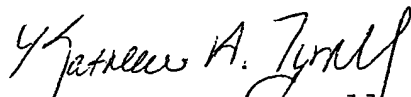
Sir:

STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE
WITH 37 CFR §§ 1.821 THROUGH 1.825

- () I hereby state, in accordance with the requirements of 37 C.F.R. §1.821(f), that the contents of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 CFR §1.821(c) and (e), respectively are the same.
- () I hereby state that the submission filed in accordance with 37 CFR §1.821(g) does not include new matter.
- () I hereby state that the submission filed in accordance with 37 CFR §1.821(h) does not include new matter or go beyond the disclosure in the international application as filed.

- (XX) I hereby state that the amendments, made in accordance with 37 CFR §1.825(a), included in the substitute sheet(s) of the Sequence Listing were made to conform with the current Sequence Listing rules. I hereby state that the substitute sheet(s) of the Sequence Listing does not include new matter.
- (XX) I hereby state that the substitute copy of the computer readable form, submitted in accordance with 37 CFR §1.825(b), is the same as the amended Sequence Listing submitted herewith.
- () I hereby state that the substitute copy of the computer readable form, submitted in accordance with 37 CFR §1.825(d), contains identical data to that originally filed.

Respectfully submitted,



Kathleen A. Tyrrell
Registration No. 38,350

Date: December 18, 2001

Licata & Tyrrell P.C.
66 E. Main Street
Marlton, New Jersey 08053

(856) 810-1515

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LICATA & TYRRELL P.C.

66 E. Main Street

Marlton, NJ 08053

(856) 810-1515

APPLICANT: Van Eyk et al.

TITLE: Methods of Diagnosing Muscle Damage

RECORDING DATE: December 17, 2001

OPERATING SYSTEM: WINDOWS 95

DOCKET NO: PTQ-0028

SERIAL NO: 09/419,901

FILED: October 18, 1999

SEQUENCE LISTING

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Labugger, Ralf
Neverova, Irena

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